GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3826
ANSWERED ON:09.08.2017
NJAC
Moily Dr. M. Veerappa

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of cases for appointment of Judges recommended by the Supreme Court Collegium still pending with the Government along with the reasons therefor;
(b) the status of National Judicial Appointment Commission (NJAC) as on date; and
(c) the steps being taken by the Government to expedite the process?

Answer

ANSWER
Minister of State for Law and Justice and Electronics and
Information Technology.
(SHRI P.P. CHAUDHARY)
(a) to (c) : During 2016, 126 fresh appointments of Judges in High Courts were made and this is the highest number of appointments made in a given year. Besides, based on the proposal received from the Supreme Court Collegium, 4 Judges were appointed in the Supreme Court in 2016. During the current year, as on date, 5 more Judges have been appointed in the Supreme Court and 75 Judges have been appointed in High Courts. 40 names recommended by the Supreme Court Collegium for appointment as judges of High Courts are under various stages of process.

The National Judicial Appointments Commission could not be set up because the Constitutional Bench of the Supreme Court (vide its Order dated 16.10.2015 in Writ Petition(Civil) No. 13 of 2015 filed by the Supreme Court Advocate-on-Record Association and another Vs Union of India) had, inter-alia, declared the Constitution(Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 as unconstitutional and void.

The appointment of Judges in the Supreme Court and High Courts is a continuous and collaborative process of the Judiciary and Executive. On account of court case regarding the National Judicial Appointments Commission from April, 2015 till the date of pronouncement of judgement i.e. 16.12.2015, regarding improvement in the Collegium system of appointment by supplementing the existing Memorandum of Procedure (MoP), no fresh appointment of Judges in the Supreme Court and High Courts were made. As the process was likely to take some time, at the initiative of the Government of India, the matter was taken up with the Supreme Court and the process of appointment of Judges was resumed.